

Notice of Allowability

Application No.

10/521,336

Examiner

Christina Marchetti Bradley

Applicant(s)

LAZZARINI ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/07/2007.
2. ☒ The allowed claim(s) is/are 24-44.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Engelmann on 6/25/2007.

The application has been amended as follows:

The second paragraph of the abstract is deleted.

In claim 24, line 1, the word --complex-- is inserted after the word "107891" and before the comma.

In claim 24, line 1, a comma is inserted after the word "PTA-5024".

In claim 24, line 1, the word "complex" is deleted.

In claim 25, line 1, the words --Factor A1-- are inserted after the word "107891" and before the comma.

In claim 25, line 1, a comma is inserted after the word "PTA-5024".

In claim 25, line 1, the words "Factor A1" are deleted.

In claim 26, line 1, the words --Factor A1 of claim 25-- is inserted after the word "107891" and before the comma.

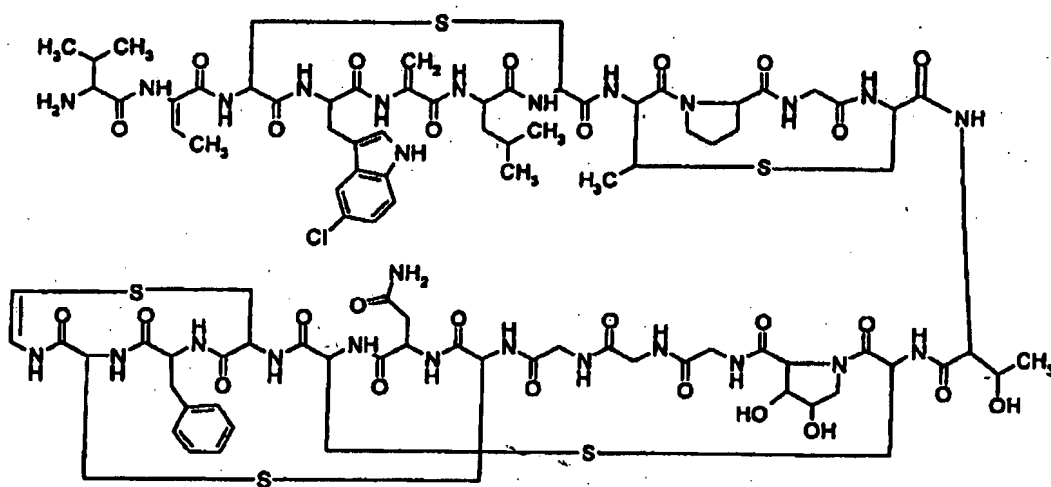
In claim 26, line 1, the words ", isolated from Microbispora sp. ATCC PTA-5024 Factor" are deleted.

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In claim 26, line 2, the words "A1 of claim 25, wherein the antibiotic 107891, isolated from *Microbispora* sp. ATCC PTA-5024 Factor" are deleted.

In claim 26, line 3, the words "A1 has" are deleted and the word --having-- inserted therefor.

In claim 26, the chemical formula is deleted and the formula



is inserted therefor.

In claim 27, line 1, the words --Factor A2-- are inserted after the word "107891" and before the comma.

In claim 27, line 1, a comma is inserted after the word "PTA-5024".

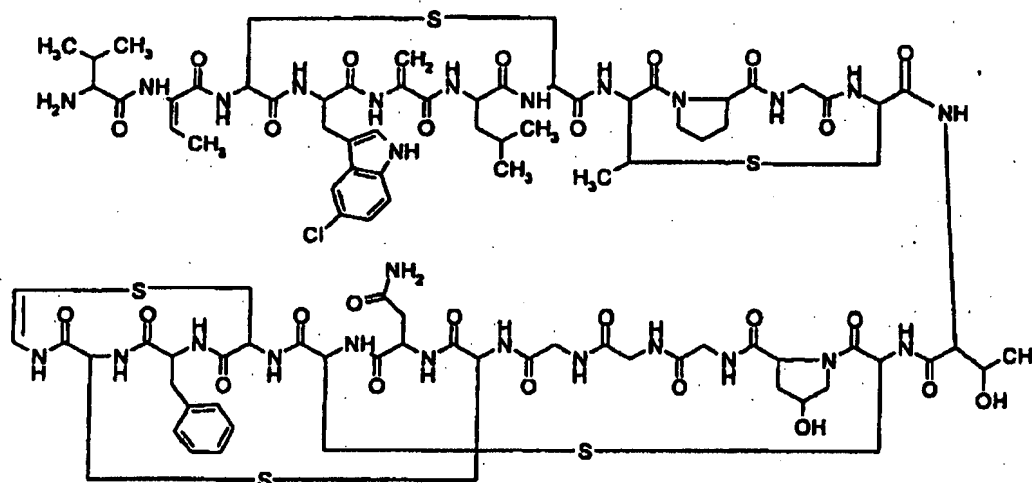
In claim 27, line 1, the words "Factor A2" are deleted.

In claim 28, line 1, the words --Factor A2 of claim 27-- is inserted after the word "107891".

In claim 28, line 1, the words ", isolated from *Microbispora* sp. ATCC PTA-5024 Factor" are deleted.

In claim 28, line 2, the words "A2 of claim 27, wherein the antibiotic 107891 Factor A2 has" are deleted and the word --having-- inserted therefor.

In claim 28, the chemical formula is deleted and the formula



is inserted therefor.

In claim 30, line 2, the word "a" is deleted.

In claim 30, line 2, the word “thereof” is deleted.

In claim 31, line 3, “:” is inserted after the word “group consisting of”.

• In claim 32, line 2, the word “the” prior to the word “mycelium” is deleted.

In claim 32, line 2, the word --extracting-- is inserted after the words "broth and".

In claim 32, line 3, the words “is extracted” are deleted.

In claim 32, line 6, “:” is inserted after the word “group consisting of”.

In claim 43, line 1 the words “the group consisting of:” is inserted after the word “from”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Marchetti Bradley whose telephone number is (571) 272-9044. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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